

## Higher Education and Government in Brazil

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### **State and Higher Education**

Brazilian higher education was organized according to the "Napoleonic Model", which means, in essence, that higher education institutions are considered public entities entitled to provide their students with legal rights to practice their professions, and to enjoy all the rights and benefits derived from their higher education degree. The basic unit of this system is the "faculdade", organized teaching units responsible for providing a specific degree. The word "faculdade" is used interchangeably with "Escola", or school; thus the Faculdade (or "Escola") de Direito (law), Faculdade (or "Escola") de Medicina (Medicine) and Faculdade (or "Escola") de Engenharia (engineering). The degrees granted by the Faculdades are valid for the whole country, under the assumption that all the diploma holders have the same competence and skills. In spite of their public role,

many "Faculdades" today are private, or controlled by state and local governments. Traditionally, it has been the role of the Federal government to make sure that all Faculdades providing a given degree abide by the same national, core curriculum, and meet a set of minimum standards. This centralized system is compounded by the fact that professional practice is controlled by professional councils organized and supervised by the government, and legislation that grants special rights and professional privileges to diploma holders. Following the model of the traditional liberal professions, in medicine and law, several dozen professions are either "regulated" or "recognized" by law and linked to a diploma, including those of engineers, architects, pharmacists, dentists, journalists, librarians, nurses, statisticians, accountants, economists, sociologists, chemists and nutritionists. Tables 1 and 2 provide the broad figures of Brazilian higher education in 1990.

Table 1 - Brazilian Higher Education Institutions and Enrollment, 1990.		
Legal Status	Number of Institutions	number of under-graduate students
Federal Universities	36	294,626
State Universities	16	136,257
Municipal Universities	3	23,449
Private Universities	40	370,025
Non-university institutions, federal	19	14,241
Non-University Institutions, state	67	58,160
Non-University Institutions, municipal	81	51,842
Non-University institutions, private (*)	656	591,210
Total	918	1,540,080
(*) including 74 "federations" of faculdades.		
Source:Brasil, Ministério da Educação, <i>Sinopse Estatística do Ensino Superior, Censo Educacional 90</i> , Brasília, MEC/SIP, 1991.		

Table 2. Brazilian higher education, enrollment by type of institution and fields of knowledge.				
Type of Institution	Universities, undergraduate degree programs	Universities, undergraduate enrollment	Non- universities, undergraduate degree programs	Non-universities, undergraduate enrollment
Total	2,393	824,627	2,319	715,453
Exact sciences and earth sciences	387	77,558	307	63,645
Biological sciences	66	16,270	19	4,166
Engineering /technology	118	105,386	77	48,888
Health sciences	344	113,666	213	62,372
Agrarian sciences	123	33,849	37	9,674
Applied social sciences	587	290,242	713	322,426
Humanities	529	129,660	637	144,997
Language, literature and arts	235	57,553	313	58,717
Basic cycle	4	443	3	568
Source:Brasil, Ministério da Educação, <i>Sinopse Estatística do Ensino Superior, Censo Educacional 1990</i> , Brasília, MEC/SIP, 1991.				

The Napoleonic system did not require universities, and the first Brazilian universities were organized in the 1930's as an aggregation of formerly existing Faculdades, the oldest ones dating back from the early 19th century. Still today, the terms "faculdade" and "universidade" are used interchangeably in common parlance, and the degrees provided by them have the same legal currency, whether the "faculdade" belongs to a university or not.

The relations between government and higher education institutions are a consequence of the Napoleonic system. The historical tendency has been for the creation of extremely detailed federal legislation regulating all aspects of the content and procedures of higher education institutions, affecting not only those maintained by the federal government, but

also those in private hands or controlled by state and local governments. Since the 1930s, there have been some movements away from the strict Napoleonic model, including the creation of science schools ("Faculdades de Filosofia"), which also doubled as teacher colleges) and some degree of academic autonomy to publicly recognized universities. A major change, however, had to wait until 1968, as discussed below. For the almost fifty years preceding this reform, the following traits can be pointed out in the relationships between government and higher education:

- Higher education institutions remained under strict governmental supervision, which included the nomination of university authorities and detailed budgetary control of federal institutions. Until the thirties the government influenced the nomination of individual faculty members in the country's main institutions.
- A Ministry of Education was organized in 1931, and a few years later the Federal Council of Education was created, as an advisory body in charge of authorizing the creation of new Faculdades and Universidades, establishing the core curriculum of the degree programs, issuing mandatory decrees and regulations regarding matters like entrance examinations, *numerus clausus*, transfer rules among institutions, rules and procedures for public competition and promotion for academic posts, the organization of graduate and specialization courses, and exerting semi-judiciary powers in matters of higher education.
- As part of the civil service, public universities and faculties came under the control of the agencies in the Federal government in charge of personnel administration, budgeting and accounting. The consequence was that university professors came to be treated like civil servants, subject to the same privileges and limitations - like job stability, the need for authorization to leave the country, full retirement benefits, promotion by seniority, and so forth. Budgets had to be approved by Congress, and expenditures had to follow strict regulations, curtailing in practice much of the university authorities's ability to decide what to do with their resources.
- In periods of political repression - like in the 1930's, or between 1964 and 1984 - the universities suffered different degrees of forceful intervention, culminating, in

the early 1970's, with the forceful retirement of prestigious professors, and the expulsion of students on political grounds.

### **Current legislation**

The current organization of Brazilian higher education is based on the 1968 reform, carried on by a working group established by the Costa e Silva, and approved by the Brazilian Congress in the same year. Because the reform was introduced by a military government, just before a period of violent confrontation between the military and many sectors in Brazilian society, including university students and academic intellectuals, it appeared that its main purpose was to restrict academic freedom and curtail still further the autonomy of Brazilian universities. Reality was more complicated, and the reformers were a different group of persons, who expected to increase the public universities' autonomy by placing them outside the mainstream of the civil service (as publicly owned "foundations" or autonomous entities), and under a system of indirect supervision.<sup>1</sup> Rectors and vice-rectors of public universities were to be designated by the federal (or state) government from lists drawn by the university councils, and Federal Council of Education became in charge of the interpretation of the legislation.

In practice, however, the traditional patterns of government supervision remained, or were reintroduced in the following years. The budgetary, personnel administration and accounting offices in government persisted in treating the universities like all other branches of government. More significantly, differences in salaries, admission and promotion rules in federal public universities, introduced after the 1968 reform, disappeared because of the pressures for uniformity brought about by the professors' and employee's associations and unions, which became stronger as the military regime ended in 1984. Autonomy in pedagogical matters remained restricted by the links between degree programs and uniform national licensing for professional practice. The nomination lists for the rector and vice-rector offices in public universities, which according to the 1968 legislation were to be drawn by the highest collegiate body, started

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<sup>1</sup> Law 5.540, of November 28, 1968. The full text and complementary legislation, can be found in *Ensino Superior: Coletânea de Legislação Básica*, Brasil, Ministério da Educação, Instituto Nacional de Estudos Pedagógicos, n/d.

to be chosen in many places through direct elections with the participation of professors, students and employees, with the winning name usually nominated by the government. Thus, in the eighties, Brazilian public universities reached very high levels of political autonomy, but remained restricted in the management of their resources, personnel policies and broad academic matters.

The 1968 reform postulated the inseparability of research, education and extension in all institutions of higher learning, and assumed that the isolated "faculdades" that existed would merge into integrated, multidisciplinary and science-based universities. It introduced graduate education as a systematic activity, and in the following years a graduate degree became an important credential for hiring and promotion of professors. Full-time employment, which was a rare occurrence in Brazilian universities, became the rule in public institutions, and programs were established to provide opportunities for graduate study to people hired without academic degrees, which were (and are still) the majority. There was an attempt to turn the traditional organization in terms of "faculdades" into a department structure, defined along disciplinary lines. The old course programs were to be coordinated by interdepartmental bodies, and the chair system (life-long appointments to specific chairs, obtained through public competition) was abolished. The more traditional faculdades resisted the change: their "congregations", formed by full professors, remained as their most powerful collective body, and organized their departments internally. In general, however, the new structure concentrated more power and resources in the universities' central administration, and enhanced the collective influence of less qualified professors and lecturers in their departments.

In 1985 a civilian government came to power in Brazil for the first time in twenty years, and a Presidential Commission was created with the task of suggesting a reorganization of the whole higher education system. Their recommendations were not implemented, but several issues raised by the Commission - including the need for systematic academic and institutional evaluations, combined with a system of full administrative and financial autonomy, and the transformation of the single model postulated in the 1968 reform into

a differentiated system (with research, teaching and vocational institutions), entered the country's discussion agenda.<sup>2</sup>

In 1988 a new Constitution was approved by parliament, reassuring, in its article 207, the universities' full autonomy in academic, financial and administrative matters, and the obligation of public universities to provide free education to all their students. The implementation of the Constitutional precepts, however, became a matter of legal and legislative interpretation. The state of São Paulo, which is responsible for the country's most prestigious universities (the Universidades de São Paulo, Campinas, and the Universidade do Estado de São Paulo)<sup>3</sup> granted to these institutions a fixed amount of its tax revenues (currently 9% of state's main tax on business transactions and services), and full autonomy in allocating these resources for salaries, current expenditures, investments, and so forth. A uniform wages policy is coordinated by the state university's council of rectors.<sup>4</sup>

Changes for the federal universities are pending on a general education law the Congress is supposed to pass, to adapt the country's legislation to the new Constitution. This law has been the subject of intense mobilization of interest groups around the Brazilian congress, and the bill has passed through several versions and proposals, and is still to be approved. One of the issues is the creation of a National Council of Education, in replacement of the old Federal Council, and with representatives appointed by the different interest groups (members of the current Federal Council are freely appointed by the President of the Republic, are said to represent the interests of private education, the Church and the state bureaucracy). Other issue is the legal status of federal universities - whether part of the civil service, or independent institutions with much more flexibility in the management of their resources and personnel. There has been also proposals to create

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<sup>2</sup> S. Schwartzman, "Brazil: Opportunity and Crisis in Higher Education", *Higher Education*, 17, 1, 1988 (99-119).

<sup>3</sup> The three São Paulo universities are responsible for three fourths of all doctoral and forty percent of all master degrees granted in the country in a given year. The Universidade de São Paulo is the country's largest, with about 30 thousand undergraduate and 15 thousand graduate students in a given semester, and an academic staff of 5,500. Universidade de São Paulo, *Anuário Estatístico, 1991*, São Paulo, Universidade de São Paulo, 1991.

<sup>4</sup> A similar provision for a fixed amount of the state revenues exists also for the State University of Rio de Janeiro (UERJ), but has not been implemented by the state government.

a system of accreditation and reaccreditation of public and private universities, which do not exist at this point (at present, both the federal and the state governments can pass laws creating new universities, independently of any kind of evaluation on academic grounds. Private universities, to exist, have to be approved by the Federal Council of Education, through a procedure that is more formal and bureaucratic than substantive). Finally, there have been proposals to give the universities more freedom to sell services and receive grants, and administer them with independence. The issue of tuition in public universities is considered politically too explosive to appear in any explicit proposal, but has been a concern for many sectors within and outside government, due, among other things, to the regressive nature of public subsidies to higher education in a situation of restricted and competitive access.

Some of these proposals would require changes in the text of the 1988 Constitution. There have been some proposals in this direction, turning the universities' budgets into a lump sum, establishing a fixed percentage of the country's budget to higher education (there is already a global percentage for education in general), and limiting the amount of the resources that could be spent on salaries. Congress did not examine these proposals, and they probably will be discussed during the constitutional revision that is supposed to take place in 1993.

### **The Ministry of Education and other agencies.**

The Ministry of Education is the Federal Government's main agency in the area of education. However, basic and secondary education is the responsibility of the states and municipalities, and the Ministry of Education deals mostly with higher education, although it is also responsible for transferring tax resources for education to local governments, and non-permanent national programs and campaigns.

Higher Education within the Ministry is dealt with by two agencies, the Secretaria Nacional de Ensino Superior (SENESU) and the Coordenação de Aperfeiçoamento de Pessoal de Nível Superior (CAPES). SENESU is responsible to prepare the annual budget for the Federal institutions, and eventually to carry on with specific programs besides the university's regular activities. With extremely high inflation rates (running in



1992 at about 20% monthly), the universities's yearly budget is not realistic, and SENESU has to bargain with the economic authorities for readjustments and authorization to spend even what is established in the budget. At present, salaries for academic and administrative personnel are paid directly by the Federal government, following requests sent each month by the universities, and is not included in these negotiations, but readjustments and compensations for inflation are subject to constant demands and frequent strikes, which have also to be handled by SENESU.

CAPES deals mostly with graduate education and fellowships, and has been historically a very effective and respected institution. It runs an ongoing system of evaluation of graduate education course programs in the whole country, ranking them from A to E, through an elaborate system of data gathering and peer review. These rankings are feeded back to the programs for consideration, and are used to establish the number of fellowships each program is entitled for their M.A. and Ph.D. courses, and some additional support for current expenses. Because of their reputation, CAPES's rankings are often used by other agencies and the public to assess the quality of the country's graduate education programs.

Support for research has usually come from outside the Ministry of Education. There is in Brazil a national Secretariat for Science and Technology, with ministerial status. Several agencies are under the Secretariat supervision, including the National Research Council (Conselho Nacional de Desenvolvimento Científico e Tecnológico - CNPq), the Financing Agency for Studies and Projects (Financiadora de Estudos e Projetos - FINEP), four national research laboratories - the Institute for Space Research (Instituto de Pesquisas Espaciais), the Research Center for Computer Science (Centro de Tecnologia para a Informática), The Amazon Research Institute (Instituto de Pesquisa da Amazônia) and the National Technological Institute (Instituto Nacional de Tecnologia). Besides, there are several research institutes linked to the National Research council, some of which providing graduate education as well (like in physics and mathematics). Besides supporting its own activities, CNPq has traditionally provided individual research grants and fellowships to the country's research and graduate education groups in universities, while FINEP works with larger grants and loans, with emphasis on applied technology.

The state of São Paulo's Foundation for Research Support (Fundação de Amparo à Pesquisa – FAPESP) receives 1.5% of the state revenues and provides research support for the universities and other research centers in the State, through strict peer review procedures. In the late eighties several similar institutions were organized in other states, but without the resources available to FAPESP.

### **Patterns of coordination**

Brazilian higher education is an arena of constant conflict and negotiation, and there is no single agency capable of establishing and implementing specific priorities and policies for the sector, formal texts about planning and coordination notwithstanding. For the country as a whole, the problems of inflation and economic stagnation that other areas, such as education and health, have received little priority and attention. Moreover, the Ministry of Education has been traditionally perceived by the Brazilian government as a "political" ministry, which means that it is taken mainly as an agency for distribution of political benefits and patronage in return for political support. This pattern increased with the reintroduction of party politics after 1985, with the exception of the about two years of tenure of physicist José Goldemberg, the former rector of the Universidade de São Paulo, who resign amidst a political crisis in mid 1992.

That there is no central coordination does not mean that there is any lack of groups trying to influence higher education in different directions. There are several associations of university rectors - a central one, the Conselho de Reitores das Universidades Brasileiras, and one for state and local universities, other of Catholic universities, other for private universities, other of the Federal Universities, and each of them works as a pressure group in the defense of their interests. University professors are organized in a national union that is linked to the country's more radical trade union front, the Central Única dos Trabalhadores, and there is a parallel association for the universities' administrative employees. Researchers and professors with a stronger academic orientation participate in the Brazilian Society for the Advancement of Science (Sociedade Brasileira para o Progresso da Ciência, SBPC), as well as to their specialized scientific associations; professional associations in medicine and law have been very active in pressing against

the creation of new undergraduate programs in their fields, and establishing mechanisms of professional accreditation.<sup>5</sup>

### **Budgets and assessment.**

The ability of a central authority, like the Minister of Education and its main agency for higher education, the SENESU, to implement policies for the sector, depends very much on their inclination to do so, and their strength in the confrontation with this host of organized interest groups. Budgets for federal universities are established by Congress, after a proposal from the Ministry of Economy, who gets its first input from the Ministry of Education. The overall ceiling is established by the economic authorities, which are usually concerned with reducing public expenditures as much as possible. There have never been any rational criteria for these allocations, except some reference to historical values and the political influence of some individuals or groups. During José Goldemberg tenure, the Ministry developed a formula to estimate how much money federal universities should receive in terms of their overall performance, and this formula was applied as an exercise of comparison with actual budgets. The idea was that this formula should provide a starting point for a more rational definition of the universities' budgets, opening the space for an examination of run-away expenditures and under-financed institutions. This formula was based on very rough indicators (like the number of students and graduates per field, student/teacher ratio, and the performance of research and graduate education, measured through CAPES' evaluations and other criteria. The Ministry started also to organize a national evaluation system for undergraduate education by degree programs. These projects would draw strong support from those universities which saw themselves are more likely to get good evaluations, and with resistance from those who were not. A full implementation of the formula mechanism would require that the universities could handle the full amount of their budgets, including the personnel expenditures, which account for about 90% of all costs; this

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<sup>5</sup> Law is the only area in Brazil where a professional examination carried on after the degree is a prerequisite for professional accreditation. Medical associations in some states have implemented mechanisms for voluntary examinations, which are not legally binding.

would require, in turn, changes in the legal status of the universities, and the end of the detailed supervisory mechanisms they receive as agencies of the civil service. The future of these and similar proposals at rationalization and evaluation will depend on whether and when the Ministry of Education will become again an agency concerned with educational matters, rather than with political patronage.

In terms of assessment, the only regular activity carried on by the central government is the periodical evaluation of graduate degree programs under the responsibility of CAPES. The Federal Council of Education is also responsible for evaluation proposals for the creation of new institutions and degree programs in the private sector, but it works case by case, through unsystematic assessments written by individual rapporteurs voted in plenary sessions. Many universities have established or are implementing their internal mechanisms of evaluation, whether permanent (as the system being developed at the Universidade de São Paulo) or eventual (like the evaluation of graduate programs carried on recently by the Universidade de Minas Gerais).<sup>6</sup>

### **Internal Organization of the Universities**

The Rector is the highest authority of public universities, and they respond to the Minister of Education, if federal, or to the State governor, for state institutions. The highest legislative bodies within the universities are the university councils, where the main units and the full professors are represented. Specific arrangements can vary, but there is usually a representation of students, assistant professors and even administrative employees in the councils, in a small scale. There can be other collective bodies at the university level, like the graduate, undergraduate, research and extension councils, which are headed by vice-rectors for research, graduate and undergraduate education and extension. The main administrative and financial routines are the responsibility of a vice-rector for planning. These vice-rectors are appointed by the rector, and usually approved by the university council. There are also councils or "congregations" at the unit's level ("escolas", "faculdades" or "departments").

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<sup>6</sup> For a survey about 871 experiences of evaluation and data gathering systems in Brazilian higher education institutions, see Jean-Jacques Paul, Zoya Ribeiro e Orlando Pilatti, "As Iniciativas e as Experiências de Avaliação do Ensino Superior: Balanço Crítico", in Eunice R. Durham and Simon Schwartzman, eds, *Avaliação do Ensino Superior*, São Paulo, Editora da Universidade de São Paulo, 1992.

The norm for the hiring of academic personnel is through a public competition, in which the candidates present their curriculum, a thesis or a "memorial", which is reasoned document presenting a set of papers and books produced by the candidate. They have to give also a public lecture on their subject of specialization. These competitions in the main universities are significant events, followed with interest by students, the academic community, and some times even the press. The applicants are evaluated by a high-ranking commission of full professors, some internal to the institution, others from outside. Similar exams have to be performed for the transition to lower to the higher academic ranks, and more specially for the rank of full professor. In some cases, academics with a strong curriculum can be invited by the universities (usually the department or school) for two or three year contracts, but will not have the full rights of other professors without going through the examination procedure.

This system is intended to assure the maximum of universalism in the hiring of academic personnel, is not immune to tampering. The selection of the examination board, the timing of the competition, the amount of information sent out possible candidates, all this can be used to manipulate the results in one or another direction. In one word, the system is not better nor worse than the academic standards of those who implement them.

### **Curriculum development, access conditions and student support.**

The discussion above has enlightened the main aspects of curriculum development and access conditions. Degree programs leading to a legally recognized profession, approved as such by Congress (and they are many) have a core curriculum established by the Federal Council of Education, and linked to professional rights supervised by the respective professional associations. These core curricula are sometimes very extensive, but in practice the universities are free to implement them as they seem fit, and there are no external mechanisms to assess what the students have really learned, on a comparative basis. Universities are free to establish course programs that are not linked to the legal professions.

Universities are also free to establish their graduate degree programs, which have to go afterwards through lengthy process of validation through the Federal Council of

Education, which has set some broad guidelines in terms of the academic qualifications of the teaching staff. In practice, these evaluations are done by CAPES, and a low ranking means that a graduate degree program cannot receive fellowships, research support and good students.

Access to higher education requires the conclusion of a secondary school certificate, and acceptance by the higher education institution. Public universities have *numerus clausus*, which are negotiated with the Ministry or the state's authorities, and they are free to establish minimum standards for admittance, measured through some system of entrance examination. In some fields and institutions the number of applicants can be ten or more times that of places, and the entrance examinations are extremely competitive. This problem does not exist in private institutions, except in fields like medicine or dentistry, but the number of private institutions providing these degrees are not very large. There is no standardized national examination for university entrance, but in some areas, like in the city of São Paulo, there are organizations that carry on unified exams for pools of institutions, handling many thousand students, and allocating them according to their abilities and preferences. Admittance to graduate programs is more similar to the American pattern, with letters of reference, written proposals, interviews, and often also a written exam.

It has been pointed out that this access system is socially regressive, since the best secondary schools are usually private, and therefore restricted to the upper social groups, which then gain access to the best and free public institutions, while the poorer have to pay for higher education of less quality. Two policies have been proposed to redress this situation: to reduce the entrance barriers to the public universities, or to charge tuition to those who could pay, combined with fellowship or student loan schemes for the needed. The concern regarding the first alternative is that it could reduce the quality of public institutions. There are no strong arguments against the second, except that the amount of resources obtained through tuition would not be more than about 10% of the current expenditures, and the political cost could be high.

There is a system of student loans for those attending private schools, which reached about 40 thousand students at its peak. In this system, the government would pay

whatever tuition to the universities charged, and enormous and inexplicable differences were observed. Information on access to these loans has been widespread, and they were absorbed, in the past, by some institutions with better knowledge of procedures, or political clout. The levels of default in those loans have been extremely high, and there were no mechanisms do try to recover the costs from the graduate. This whole system came under revision in 1992. Graduate students, at the other extreme, not only have free education, but receive stipends from CAPES, the National Research Council and the São Paulo Foundation for Science Support. The number of fellowships granted for M.A. programs has increased dramatically in recent years (about 20 thousand in 1990, and 6.3 thousand for doctoral students in the country), suggesting that the M.A. programs may have grown out of proportion, working as a temporary employment in a period of economic recession, and adding to the regressive nature of Brazilian higher education.

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